

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

MAXWELL KADEL, *et al.*,

Plaintiffs,

v.

DALE FOLWELL, in his official capacity as
State Treasurer of North Carolina, *et al.*,

Defendants.

Case No. 1:19-cv-00272-LCB-LPA

DECLARATION OF OMAR GONZALEZ-PAGAN

Pursuant to 28 U.S.C. § 1746, I, Omar Gonzalez-Pagan, do hereby declare as follows:

1. I am over 18 years of age.
2. I am a Senior Attorney at Lambda Legal Defense and Education Fund, Inc. and serve as counsel of record for the plaintiffs in the above-captioned matter.
3. I have personal knowledge of the stated herein, except those stated on information and belief, and if called upon, could and would testify competently to them.
4. I submit this declaration in support of Plaintiffs' Motion to Exclude Expert Testimony of Dr. Paul R. McHugh.
5. Attached as **Exhibit A** is a true and correct copy of excerpts of the transcript of first day of the deposition of Dr. Paul R. McHugh on September 8, 2021 taken in relation to the above-captioned matter.

6. Attached as **Exhibit B** is a true and correct copy of excerpts of the transcript of second day of the deposition of Dr. Paul R. McHugh on October 29, 2021 taken in relation to the above-captioned matter.

7. Attached as **Exhibit C** is a true and correct copy of the expert witness report of Dr. Paul R. McHugh, M.D. (including a copy of his curriculum vitae) in the above-captioned matter, which is dated May 1, 2021, was served upon plaintiffs on May 1, 2021, and was entered as Exhibit 2 to Dr. McHugh's deposition in this matter.

8. Attached as **Exhibit D** is a true and correct copy of the essay by Dr. McHugh "Witches, multiple personalities, and other psychiatric artifacts," authored by Dr. McHugh and published in the journal *Nature Medicine* in February 1995.

9. Attached as **Exhibit E** is a true and correct copy of the entry for "Gender Incongruence" in the International Classification of Diseases, 11th Revision, published by the World Health Organization and last revised in May 2021. It can be publicly accessed at <https://icd.who.int/browse11/l-m/en#/http://id.who.int/icd/entity/411470068>.

10. Attached as **Exhibit F** is a true and correct copy of the "APA Resolution on Gender Identity Change Efforts" published by the American Psychological Association in February 2021, and which was entered as Exhibit 12 to Dr. McHugh's deposition in this matter on September 29, 2021.

11. Attached as **Exhibit G** is a true and correct copy of excerpts of *Understanding the Well-Being of LGBTQI+ Populations*, a Consensus Study Report of the

National Academies of Sciences, Engineering, and Medicine published in 2020, and which was entered as Exhibit 15 to Dr. McHugh's deposition in this matter.

12. Attached as **Exhibit H** is a true and correct copy of the journal pre-proof of the scientific, peer-reviewed article "Do Clinical Data From Transgender Adolescents Support the Phenomenon of 'Rapid-Onset Gender Dysphoria'?" authored by Greta R. Bauer, PhD, MPH, Margaret L. Lawson, MD, MSc, FRCPC, and Daniel L. Metzger, MD, FAAP, FRCPC, and published in the scientific, peer-reviewed journal *The Journal of Pediatrics* on November 15, 2021.

13. Attached as **Exhibit I** is a true and correct copy of a March 22, 2017 public letter by 566 researchers and clinicians with expertise in gender and sexuality criticizing Dr. McHugh's "Sexuality and Gender" article, which was entered as Exhibit 19 to Dr. McHugh's deposition in this matter.

14. Attached as **Exhibit J** is a true and correct copy of the opinion article "Hopkins faculty disavow 'troubling' report on gender sexuality" authored by Dr. Chris Beyrer, Dr. Robert W. Plum, and Prof. Tonia C. Poteat and published in *The Baltimore Sun* on September 28, 2016, which was entered as Exhibit 20 to Dr. McHugh's deposition in this matter.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated this 2nd day of February, 2022.

/s/ Omar Gonzalez-Pagan
Omar Gonzalez-Pagan